

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 638 Session of 2019

INTRODUCED BY DeLUCA, CALTAGIRONE, HILL-EVANS, KORTZ, FREEMAN,
DEASY, MILLARD, YOUNGBLOOD, CIRESI AND NEILSON, MARCH 1, 2019

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MARCH 1, 2019

AN ACT

1 Amending the act of December 17, 1968 (P.L.1224, No.387),
2 entitled "An act prohibiting unfair methods of competition
3 and unfair or deceptive acts or practices in the conduct of
4 any trade or commerce, giving the Attorney General and
5 District Attorneys certain powers and duties and providing
6 penalties," further providing for private actions.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 9.2 of the act of December 17, 1968
10 (P.L.1224, No.387), known as the Unfair Trade Practices and
11 Consumer Protection Law, is amended to read:

12 Section 9.2. Private Actions.--(a) Any person who purchases
13 or leases goods or services primarily for personal, family or
14 household purposes and thereby suffers any ascertainable loss of
15 money or property, real or personal, as a result of the use or
16 employment by any person of a method, act or practice declared
17 unlawful by section 3 of this act, may bring a private action to
18 recover actual damages or [one hundred dollars (\$100)] five
19 hundred dollars (\$500), whichever is greater. The court may, in
20 its discretion, award up to three times the actual damages

1 sustained, but not less than [one hundred dollars (\$100)] five
2 hundred dollars (\$500), and may provide such additional relief
3 as it deems necessary or proper. The court may award to the
4 plaintiff, in addition to other relief provided in this section,
5 costs and reasonable attorney fees.

6 (b) Any permanent injunction, judgment or order of the court
7 made under section 4 of this act shall be prima facie evidence
8 in an action brought under this section [9.2 of this act] that
9 the defendant used or employed acts or practices declared
10 unlawful by section 3 of this act.

11 Section 2. This act shall apply to all causes of action
12 occurring on or after the effective date of this section.

13 Section 3. This act shall take effect immediately.